

GUIDELINES
FOR
SPECIAL PUBLIC DEFENDERS

Effective July 1, 2010

Office of Director of Special Public Defender
30 Trinity Street – 4th Floor
Hartford, CT 06106

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OCPD STAFF ASSIGNMENTS for SPD MATTERS

Hourly billing invoices for SPD legal services

Processor: Nicholas Fanis, Public Defender Secretary
Phone 860-509-6462
Email nicholas.fanis@jud.ct.gov

Authorization to Incur Expenses and Invoices for SPD Case related expenses

Processor: Lynn D'Amora, Public Defender Secretary
Phone 860-509-6400
Email lynn.damora@jud.ct.gov

SPD Contracts

Processor: Steve Kokinis, Public Defender Clerk
Phone 860-509-6436
Email steve.kokinis@jud.ct.gov

SPD Contracts and Assistant to Director of Special Public Defenders

Processor: Karma Daigle, Administrative Assistant
Phone 860-509-6486
Email karma.daigle@jud.ct.gov

If you have questions regarding these three areas, please feel free to contact the appropriate staff member directly.

**SPECIAL PUBLIC DEFENDER SCHEDULE
FOR ACCOUNTING OF TIME**

In order to process bills received in a timely manner we have established a schedule for rounding time up to the nearest six minute increment as outlined below.

MINUTES (UP TO)	% MULTIPLIED	MISDEMEANOR IN/OUT OF COURT \$50 HOURLY	FELONY <u>POST-CONVICTION</u> JUVENILE, HABEAS, APPEAL IN/OUT OF COURT \$75 HOURLY	CAPITAL FELONY* <i>ALL PHASES OF TRIAL</i> <u>POST-CONVICTION CASE:</u> DEATH PENALTY ONLY IN/OUT OF COURT \$100 HOURLY
6	0.10	\$5.00	\$7.50	\$10.00
12	0.20	\$10.00	\$15.00	\$20.00
18	0.30	\$15.00	\$22.50	\$30.00
24	0.40	\$20.00	\$30.00	\$40.00
30	0.50	\$25.00	\$37.50	\$50.00
36	0.60	\$30.00	\$45.00	\$60.00
42	0.70	\$35.00	\$52.50	\$70.00
48	0.80	\$40.00	\$60.00	\$80.00
54	0.90	\$45.00	\$67.50	\$90.00
60	1.00	\$50.00	\$75.00	\$100.00

*Post probable cause hearing

Rev. 1/1/10

**SPECIAL PUBLIC DEFENDER CONTRACT
PER CASE RATES**

Contract Type	Per case rate
Geographical Area	\$350.00
Juvenile Matters	\$350.00
Judicial District	\$1,000.00

Rev. 7/1/10

DIVISION OF PUBLIC DEFENDER SERVICES
GUIDELINES FOR SPECIAL PUBLIC DEFENDER BILLING

FELONIES

If the most serious charge (i.e., charge pending when counsel is appointed) in an individual case (docket number) is a felony,

- \$75 per hour for in-court work up to \$600 (8 hours) per day.
- \$75 per hour for out-of-court work
- When working through the standard court lunch break (1:00 to 2:00 pm), it must be listed as a separate entry on the bill from all other in-court time. This entry should be coded as in-court, if work was performed at the courthouse.

MISDEMEANORS

If the most serious charge in an individual case (docket number) is a misdemeanor,

- \$50 per hour for in-court work up to \$400 (8 hours) per day.
- \$50 per hour for out-of-court work
- When working through the standard court lunch break (1:00 to 2:00 pm), it must be listed as a separate entry on the bill from all other in-court time. This entry should be coded as in-court, if work was performed at the courthouse.

JUVENILE DELINQUENCY MATTERS

Billing at the same rates as adult criminal cases based on the underlying offense, i.e., felony or misdemeanor.

CAPITAL FELONY CASES

If the most serious charge in an individual case (docket number) is a capital felony, for which probable cause has been found,

- \$100 per hour for in-court work up to \$800 (8 hours) per day.
- \$100 per hour for out-of-court work
- Post Conviction Capital Felony cases where the client is facing the death penalty will be compensated at the rate of \$100 per hour for in court and out of court legal services rendered.
- When working through the standard court lunch break (1:00 to 2:00 pm), it must be listed as a separate entry on the bill from all other in-court time. This entry should be coded as in-court, if work was performed at the courthouse.

POST CONVICTION CASES

JUVENILE, APPEALS, HABEAS CORPUS and NON-DEATH CAPITAL FELONY

- Billing is at the rate of \$75 per hour for in-court and out-of-court services.
- Post Conviction Capital Felony cases where the client is **not** facing the death penalty will be compensated at the rate of \$75 per hour for in court and out of court legal services rendered.

PERSONAL SERVICES and BREAKS

The invoice must be accompanied by a completed form “Special Public Defender Bill for Services Rendered” and may only contain billing for personal services rendered by appointed counsel. To denote that all legal services on a bill are for the attorney to whom the case was assigned, an original signature is required on each bill submitted.

The Special Public Defender Bill for Services Rendered form is available here:

http://www.ocpd.state.ct.us/Content/Specials/Special_PD_Forms.htm

There is no requirement that a break be taken at any interval within a day. Bills for legal services that appear excessive will be handled on a case by case basis.

OUT-OF-POCKET OR OTHER EXPENSES

Out-of-pocket or other expenses must be approved by the Deputy Chief Public Defender, before they are incurred. The expense must be submitted on a separate invoice, with original receipts attached.

Expenses incurred for case related out of state travel, should be requested and approved in advance.

The Authorization to Incur Expenses form is available here:

http://www.ocpd.state.ct.us/Content/Specials/Special_PD_Forms.htm

JAIL VISITS – ADULT – NO LIMIT ON TIME

Attorneys may bill for all the time spent visiting a client in jail – including the travel time each way.

For contract cases: The “jail visit” designation does not include visiting with a client at the courthouse lock up for cases assigned on contract. It is meant for visits with a client at the correctional facility where he/she is being held while their case is pending.

JAIL VISITS – JUVENILE NO LIMIT ON TIME OR PLACE

Juvenile jail visits are defined differently than adult jail visits. For juvenile clients placed in residential facilities, foster care, and other DCF programs where they are removed from the home including detention, every visit is billable with no hourly limit.

TRAVEL

For attorneys whose offices are located in another state, travel time is only billable from within the border of Connecticut.

If traveling to visit a client out of state, written approval must be obtained prior to travel time being billed.

For habeas corpus, appellate cases and capital felony cases, travel time from office to court is allowed and should be billed at the hourly rate. There is no reimbursement for mileage as of July 1, 2010.

Travel to correctional facilities, hospitals, etc., shall be billed at the hourly rate.

TRIAL-PREPARATION BILLING

Trial preparation in cases assigned under the special public defender contracts at JD, GA and Juvenile courts is billable after approval has been given by the Director of Special Public Defenders.

Approval may be requested using the Trial Preparation Billing Request form found on the website:

http://www.ocpd.state.ct.us/Content/Specials/Special_PD_Forms.htm

Both trials and VOP hearings will be treated the same. The SPD Unit will approve these billing requests for cases that have been assigned to the trial list and or have been assigned a hearing date. This office will verify the status of the case once we receive the request form.

SPECIAL PUBLIC DEFENDER as WITNESS in HABEAS CORPUS PROCEEDING

A special public defender who has been called as a witness in a Habeas Corpus proceeding, and served as counsel in the underlying offense, may submit hourly billings in accordance with the following guidelines:

In-court services

Mandatory appearances at court proceedings, not to exceed eight (8) hours per day, may be compensated at the appropriate

Out-of-court services

Meetings and/or telephone conferences with counsel for either party

Testimony preparation and file review

Time involved for Connecticut travel, between office and court proceedings

Notes of Importance – Billing

- **The local public defender office shall not prepare any CO-17 invoices for any special public defender.**
- Electronic copies of billing forms are available at the public defender website
<http://www.ocpd.state.ct.us/Content/Specials/Special%20PD%20Forms.htm>
- As of July 1, 2010, legal services bills must be prepared using the forms on the public defender website. All hand written bills or bills generated in another format will be rejected.
- Please provide a separate invoice for each fiscal year.
State of Connecticut fiscal year = July 1 of current year to June 30, of next calendar year.
- Every special public defender must register as a vendor with the State of Connecticut prior to compensation for legal services with the following forms:
Vendor Profile form
W-9 Tax form
Both are available on the Department of Administrative Services website:
[http://www.das.state.ct.us/Purchase/Info/Vendor_Profile_Form_\(SP-26NB\).pdf](http://www.das.state.ct.us/Purchase/Info/Vendor_Profile_Form_(SP-26NB).pdf)
- If your payee information changes, be sure to contact the SPD Unit prior to submitting bills with your new information. Contact the SPD Unit to obtain a copy of the vendor update forms.
- Invoices for SPD legal services and contract payments cannot be faxed or emailed to the public defender office. Original signatures must appear on the SPD Bill for Services Rendered form (attorney that provided legal services being billed) and on the CO-17 Invoice form.

FAXED OR EMAILED INVOICES WILL BE RETURNED TO THE SPD. THE ORIGINAL INVOICE MAY BE RESUBMITTED VIA US MAIL FOR PROCESSING.

INSTRUCTIONS – SPD BILL FOR SERVICES RENDERED FORM HOURLY BILLING

ALL FIELDS ON THE FORM MUST BE COMPLETED PRIOR TO SUBMISSION

Case Information Section (top of form)

Be sure to give the following contact information on every bill:

Payee name, billing address
Vendor number (9-digit number)
Your full name and phone number

The full case name as it appears in the official court record (Ex. State vs. John Doe).

If it is a post-conviction case, such as a Habeas Corpus or Appellate case, provide the case name that is appropriate (Ex. John Doe vs. Commissioner of Correction, etc.), and not that of the underlying charge.

List the Public Defender location where case was assigned and PD office type (JD, GA, etc.)

Provide the date you were appointed to the client's case by the public defender's office

Select the proper case assignment type – contract or non-contract

Indicate whether the case is in the pretrial or trial phase.

If on trial, give the date of jury selection (JD and GA cases)

Or provide the first date trial began trial, for other types of cases

Provide the most serious crime charged and docket number for the client's case

For post-conviction cases, fill in the docket number next to the proper case type and prefix

Billing Details (middle of form)

NOTE: Do not condense several entries onto one billing line, even if they are for the same calendar day. List each billing time entry on a separate line.

- Date on which legal services were performed (MM/DD/YYYY)
- Indicate whether the entry is for in-court or out-of-court work
- Purpose of legal services: Give a brief description of the individual entry
- Specify the time of day worked on the entry (e.g., 9:00 a.m. - 12:00 p.m.)
Do not list specific time entries in military time (e.g. 0900 – 1200 hrs)
Always include the time abbreviations for each entry (a.m. or p.m.)
- Using the Accounting of Time table, provide the multiplier for the entry (e.g. 5 hours and 6 minutes = 5.10 hrs)
Do not list the number of hours and the number of minutes (e.g. 5 hrs 6 min)
Always remember that the total time is meant to be a number with two decimal places

Hourly Rate for the type of case being billed

Always use the rate for the most serious criminal charge for all entries on a bill (e.g. 1 felony and 2 misdemeanor charges = felony rate)

Rate will be the same for in-court and out-of-court time

- Subtotal for the entry

Total Time (multiplier) X Hourly Rate = Amount for entry

Example: 5.10 hrs X \$75/hr = \$382.50

Calculation Table (middle of page 2)

- Summarize the In-court hours and In-court amount subtotal
- Summarize the Out-of-court time and Out-of-court amount subtotal
- Grand total of bill will be calculated automatically by the table

Status Section (bottom of page 2)

- Specify the current status of the case at the time the bill is submitted
PENDING = Case is currently open and additional bills may be anticipated
DISPOSED = Case is disposed. List disposition information for the charge
- Specify the sequencing of each bill on the invoice (e.g., bill 1, bill 2, etc.)
- The attorney for whom the bill is being prepared must sign on the line above “Special Public Defender” at the bottom of the form.

Signature Section (bottom of page 1 and 2)

- An original signature is required from the attorney whose legal services are being billed

**INSTRUCTIONS – INVOICE FOR GOODS OR SERVICES RENDERED (CO-17PD)
HOURLY BILLING INVOICE**

By Field Number on State of Connecticut (CO-17) Invoice for Goods or Services

ALL FIELDS ON THE FORM MUST BE COMPLETED PRIOR TO SUBMISSION

FIELD NUMBER AND NAME	FIELD PURPOSE
4) Invoice Amount	The subtotal of each line is added together by the form to equal the total amount for the invoice.
9) Vendor FEIN/SSN ID	Fill in with 9-digit number used by vendor as listed on the SPD Contact sheet.
10) Payee Name and Address	Fill in with exact payee name and mailing address for the vendor as listed on the SPD Contact sheet.
13) Vendor Comments	Fill in with the following template: “Client Full Name, Last Date of Service”
14) Description of Goods and Services	Fill in with the following template: Line 1: “Out-of-court” (<i>line required only if out-of-court is billed</i>) Line 2: “In-court” (<i>line required only if in-court time is billed</i>) Line 3: “Case name (State vs. Jane Doe), Docket Number (CR09-123456)” Line 4: “Date range for services on bill (7/11/2010 – 7/12/2010”
15) Quantity	Fill in with decimal of total time on bill for each category of time “5.10”.
16) Units	Fill in with “hours”
17) Unit Price	Fill in Dollar Amount of Hourly Rate “\$75”
18) Amount	Fill in with subtotal of the line Example: 5.10 hrs x \$75/hr = \$382.50
32) Department Name and Address	Fill in the following template, replacing the prompts with information appropriate for the public defender office where the case was assigned: Supervising Attorney’s Full Name Public Defender Location (GA , JD, Juvenile, etc.) Street Address City, State Zip Code
35) Commodities Received or Services Rendered – Signature	Signature of approval must be completed by the supervising attorney at the public defender office where the case was assigned

**INSTRUCTIONS – INVOICE FOR GOODS OR SERVICES RENDERED (CO-17PD)
ADVANCE PAYMENT INVOICE**

By Field Number on State of Connecticut (CO-17) Invoice for Goods or Services

ALL FIELDS ON THE FORM MUST BE COMPLETED PRIOR TO SUBMISSION

FIELD NUMBER AND NAME	FIELD PURPOSE
4) Invoice Amount	The subtotal of each line is added together by the form to equal the total amount for the invoice
9) Vendor FEIN/SSN ID	Fill in with 9-digit number used by vendor as listed on the SPD Contact Sheet
10) Payee Name and Address	Fill in with exact payee name and mailing address for the vendor as listed on the SPD Contact Sheet
13) Vendor Comments	Fill in with the following template: “FY2010-2011 Contract at (<i>Court Location</i>) - Advance Payment”
14) Description of Goods and Services	Fill in with the following template: Line 1: “Advance payment for 3 contract cases”
15) Quantity	Fill in with the number of advance cases “3” from page 1 of the FY2010-2011 SPD Agreement
16) Units	Fill in with “cases”
17) Unit Price	Fill in Dollar Amount of Per Case Rate “\$350.00”
18) Amount	Fill in with subtotal of the line Example: 3 cases x \$350/case = \$1,050.00
32) Department Name and Address	Fill in the following template, replacing the prompts with information appropriate for the public defender office where the case was assigned: Supervising Attorney’s Full Name Public Defender Location (GA , JD, Juvenile, etc.) Street Address City, State Zip Code
35) Commodities Received or Services Rendered – Signature	Signature of approval must be completed by the supervising attorney at the public defender office where the case was assigned

A copy of the SPD contact sheet must also be sent with the advance payment invoice and signed agreement. If applicable, include a separate advance payment invoice for each appropriate contract, prepared in accordance with section 3(B)2 of the agreement.

BILLING FREQUENCY

Special Public Defenders must submit, his or her request for payment to the Commission no later than 30 days following the close of the prior month. Submissions beyond the deadline will result in delayed processing subsequent to the processing of all timely submitted billing.

Bills submitted more than six months from the last day of the month in which the work claimed was performed, except for good cause as determined by the Commission, shall not be accepted.

INVOICE RESEARCH REQUESTS

Please make all requests to research the status of an invoice in writing – via email (Nicholas.fanis@jud.ct.gov) or fax (860-509-6498). This will insure that your request is handled in the order it was received. These requests cannot be made via telephone.

Each request should include the following information for an individual bill:

- Client's full name
- Dollar Amount of bill
- Last date of legal service on the bill
- Date bill mailed to public defender office
- Public Defender Office where bill was mailed

Invoices that have been pending 45 days or longer are a priority for research.

SPECIAL PUBLIC DEFENDER POLICIES

EMAIL ACCOUNTS

Please be advised that an email account is required for SPD approval in the Fiscal Year 2010/2011. If you do not have a computer, your local library will assist you in obtaining a free email account and use of a computer.

SPDs that are the subject GRIEVANCES or LITIGATION

In the event a special public defender is the subject of a grievance or litigation from any client – the attorney **MUST** notify the Division of Public Defender Services legal counsel immediately:

Deborah DelPrete Sullivan
Legal Counsel
Office of the Chief Public Defender
30 Trinity Street 4th Floor
Hartford CT
860-509-6405

ATTORNEYS AS EXPERT WITNESSES

For those special public defenders that need to hire an attorney as an expert witness – the rate is \$75/hour. Any amount above that rate must be approved by the Deputy Chief Public Defender.

RE-ARREST CASES

In cases where a client fails to appear for a court appearance and a re-arrest warrant is issued, representation of the client continues under the original appointment for one calendar year from the date the re-arrest was issued. If the client is re-arrested after such calendar year has passed the original SPD may take the assignment as a new case if he or she remains an approved special public defender.

MURDER, FELONY MURDER, AND ARSON MURDER CASES

Cases in which a defendant is charged with Murder (53a-54a), Felony Murder (53a-54c), or Arson Murder (53a-54d) shall not be assigned pursuant to a flat rate and shall be compensated at the rate of \$75 per hour.

MULTIPLE DEFENDANT CASES

In cases involving more than two co-defendants, the attorney will represent only one of the co-defendants, and another attorney will be appointed to represent any other co-defendant(s) for whom separate representation is necessary.

MULTIPLE CASES FOR A SINGLE DEFENDANT

A client charged with 4 or more separate cases (docket numbers), in a single location on the date of the assignment, will be treated as a single hourly billing assignment.

CASES ON THE TRIAL LIST AT THE TIME OF ASSIGNMENT

When a case or cases is on the trial list at the time of the assignment, such case shall be an hourly rate assignment.

PROBATION REVIEW HEARINGS

A Special Public Defender may represent a former client for a probation review hearing. Such representation shall be billable at the rate of \$50 per hour and shall not be applied as a “case” against the attorney’s flat rate contract case load.

SENTENCE REVIEW/SENTENCE MODIFICATION PROCEEDINGS

Cases before the Sentence Review Division of the Superior Court in connection with a Motion for Sentence Modification shall be an hourly rate case if the case is being assigned to the Special Public Defender for the purpose of Sentence Review/Modification.

JUVENILE CASES

Where a Special Public Defender is appointed to represent a juvenile and that client’s final disposition in that case results in the client being committed to the care and custody of the Department of Children and Families as a delinquent, the Special Public Defender shall notify the Juvenile Post Conviction and Re-entry Unit (PCU) of the Commission within 2 weeks of such commitment to ensure continued representation of the client pursuant to Practice Book Section 3-9(e).

The Special Public Defender shall either refer the matter to the PCU for continued representation or inform the unit in writing of his/her intent to continue with the post conviction representation. When referring the case to PCU, he/she shall forward the three separate signed release of information forms and a completed referral form as well as any evaluations or pre-dispositional studies. Release of any documents considered to be part of the court file will require approval by the court prior to dissemination to the PCU. If the client is referred to the PCU for representation, the PCU will provide periodic updates to the Special Public Defender during the commitment period. However, he/she will be required to appear on behalf of the client at the Permanency Plan Hearing.

Referral and release of information forms as well as PCU protocols are available on the Office of Chief Public Defender web site at the following link:

http://www.ocpd.state.ct.us/Content/Specials/Special_PD_Forms.htm

All correspondence regarding post conviction clients shall be in writing to the following contact:

James J. Connolly, Esq.
Office of Chief Public Defender
30 Trinity Street, 4th floor
Hartford, CT 06106

james.connolly@jud.ct.gov
or
jennifer.markoja@jud.ct.gov

REQUESTING AUTHORIZATION TO INCUR EXPENSES

Authorization to incur case related expenses must be in writing on a form prescribed by the Office of Chief Public Defender. Telephone authorizations will not be given except in genuine emergencies.

All authorization to incur expenses forms must be submitted directly to the Deputy Chief Public Defender, Attorney Brian Carlow.

Special Public Defender Authorization to Incur Expenses - Procedure

1. Complete, sign and date the Authorization to Incur Expenses. You may download this form here:

http://www.ocpd.state.ct.us/Content/Specials/Special_PD_Forms.htm

2. Complete an Addendum. Please include a summary of the case, description of the expert, what the expert will be doing to assist in the defense, and the necessity.

In the case of a Supplemental Authorization, the Addendum only needs to include the reason additional dollars are needed.

3. The Special Public Defender must send the completed Authorization to Incur Expenses and Addendum to:

Office of the Chief Public Defender
30 Trinity Street 4th floor
Hartford, CT 06106

Attention: Lynn D'Amora

Please note: Originals documents are required.

Once approved, the Authorization to Incur Expenses will be mailed to the Special Public Defender.

Special Public Defender Expert Invoices/Bills - Procedure

1. CO-17 Invoice and Bill from the expert/vendor are to be sent from the expert/vendor to the Special Public Defender.
2. The Special Public Defender must review and approve the CO-17 Invoice and Bill.
3. The Special Public Defender must send the CO-17 Invoice and Bill, any related receipts, and a completed and signed "SPECIAL PUBLIC DEFENDER INVOICE COVER SHEET" to:

Office of the Chief Public Defender
30 Trinity Street 4th floor
Hartford, CT 06106

Attention: Lynn D'Amora

The invoice cover sheet can be downloaded here:

http://www.ocpd.state.ct.us/Content/Specials/Special_PD_Forms.htm

Please note: Originals documents are required.

Special Public Defender Transcript Invoices - Procedure

1. Transcript Invoices from the Court Reporter are to be sent to the Special Public Defender.
2. The Special Public Defender must review and approve the Transcript Invoice.
3. The Special Public Defender must send the original Transcript Invoice and a completed and signed "SPECIAL PUBLIC DEFENDER INVOICE COVER SHEET" to:

Office of the Chief Public Defender
30 Trinity Street 4th floor
Hartford, CT 06106

Attention: Lynn D'Amora

Please note: Originals documents are required.

IMPORTANT: It is necessary to note on the Special Public Defender Invoice Cover Sheet whether the Transcript was –SHARED- or –NOT SHARED-. If the Transcript was –SHARED- then also please note with whom it was –SHARED-.